

Message Text

SECRET

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
----- 094037

O O 191638Z MAY 75 ZFF 4
FM AMEMBASSY BONN
TO SECSTATE WASHDC NIACT IMMEDIATE 0196
AMEMBASSY VIENNA NIACT IMMEDIATE
INFO USMISSION USBERLIN IMMEDIATE

S E C R E T SECTION 01 OF 09 BONN 08055

EXDIS

FOR THE SECRETARY

E.O. 11652: XGDS3
TAGS: OVIP (KISSINGER, HENRY A.)
SUBJ: BERLIN ISSUES

REF: SECTO 01010

1. EMBASSY RESPONSE REFTEL FOLLOWS, UNDER TWO HEADS,
I - MAJOR ISSUES, AND II - SPECIFIC ISSUES. WE HAVE
COORDINATED WITH USBER FOR THEM TO SUBMIT THEIR
RESPONSE TO COMPLEMENT THIS MESSAGE.
2. I - MAJOR ISSUES.
THE MAJOR AREAS OF DISAGREEMENT ON BERLIN AND THE
FRAMEWORK WITHIN WHICH THE SOVIETS ARE CONDUCTING THEIR
CURRENT CAMPAIGN TO EMPHASIZE THE SEPARATENESS OF WEST
BERLIN HAVE BEEN SUMMARIZED IN SECTION I OF THE PAPER,
AGREED AD REF IN THE BONN GROUP MAY 16, FOR SUBMISSION
TO MINISTERS IN PREPARATION FOR THE MAY 28 QUADRIpartite
MEETING. BONN 8034, CONTAINING THE TEXT OF THAT PAPER,
IS BEING REPEATED TO VIENNA.

EASTERN POSITION

A. TIES BETWEEN THE FRG AND BERLIN. IN EFFECT,
THE SOVIETS ARE SAYING THAT THE QUADRIpartite AGREEMENT
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FROZE THE TIES BETWEEN THE FRG AND BERLIN AT THEIR THEN

EXISTING LEVEL. ANY NEW MANIFESTATIONS OF FEDERAL PRESENCE IN BERLIN--AND, INDEED, CERTAIN ACTIVITIES WHICH ANTE-DATED THE QA--ARE SEEN AS VIOLATIONS OF THE QA. NO NEW FEDERAL OFFICES HAVE BEEN SET UP IN BERLIN SINCE THE FEDERAL ENVIRONMENTAL AGENCY WAS ESTABLISHED IN 1974, BUT THE SOVIETS CLAIM TO FEAR THE FRG HAS "PLANS" FOR ADDITIONAL OFFICES. IN THE MEANTIME, THEY CONTINUE A STEADY CAMPAIGN OF COMPLAINTS ABOUT OTHER FRG ACTIVITIES. THE PROTEST IN THE WAKE OF THE LORENZ KIDNAPPING, DISCUSSED BELOW, SEEMED TO SAY THAT ANY SORT OF COOPERATION WITH FRG LAW ENFORCEMENT OFFICIALS WAS ILLEGAL. VISITS OF FEDERAL MINISTERS TO BERLIN WERE LISTED IN THAT PROTEST AS AMONG THE OBJECTIONABLE ACTIVITIES. THE DEMARCHE ON FOREIGN MINISTER GENSCHER'S ACCOMPANIMENT OF THE SECRETARY TO BERLIN IS THE MOST RECENT EXAMPLE OF WHAT THE SOVIETS VIEW AS IMPROPER.

B. REPRESENTATION ABROAD OF THE INTERESTS OF THE WESTERN SECTORS OF BERLIN BY THE FRG. DESPITE THEIR COMMITMENT IN ANNEX IV.B. OF THE QA THAT THEY WOULD RAISE NO OBJECTION TO FRG ACTIONS IN THIS CATEGORY PROVIDED MATTERS OF SECURITY AND STATUS WERE NOT AFFECTED' THE SOVIETS REGULARLY PROTEST A WIDE RANGE OF ACTIONS AND ON OCCASION PRESENT THE ISSUES IN THE UN CONTEXT. THEY CLAIM FOR EXAMPLE, THAT FOR BERLIN-BASED FEDERAL OFFICIALS TO REPRESENT THE FRG IN UN BODIES IS ILLEGAL (GUENTHER CASE, SEE USBER SEPTTEL). THEY HAVE BEGUN TO CLAIM THAT FRG TREATIES MAY NOT BE EXTENDED TO BERLIN UNLESS THEY ARE RELEVANT TO BERLIN (AUSTRIAN TREATIES PROTEST, COVERED IN USBER SEPTTEL). APROPOS OF THE ESTABLISHMENT OF THE EC VOCATIONAL TRAINING CENTER IN BERLIN, THE SOVIETS STRESS THAT THE EC HAS NO RIGHT TO MAKE DECISIONS AFFECTING WEST BERLIN ("THESE DECISIONS MUST BE REACHED QUADRIPARTITELY") AND THAT THE EC GOAL OF POLITICAL UNITY IS INCOMPATIBLE WITH THE FOUR-POWER STATUS OF WEST BERLIN.

C. SOVIET VOICE ON WEST BERLIN. IN THEIR TALKS WITH FRG AND ALLIED OFFICIALS, THE SOVIETS INCREASINGLY ASSERT A RIGHT TO BE CONSULTED ON MATTERS AFFECTING
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WEST BERLIN. FROM TIME TO TIME THEY HINT THAT QUADRI-PARTITE CONSULTATIONS MIGHT BE USEFUL. AT THE SAME TIME, THEY LOSE NO OCCASION TO INSIST ON THEIR INTERPRETATION THAT THE QA APPLIES ONLY TO WEST BERLIN. THEIR MAY 12 NOTE IN THE UN CONCERNING THE DEMOGRAPHIC YEARBOOK UNDERLINES THEIR CLAIMS IN THIS REGARD.

WESTERN POSITION

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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FM AMEMBASSY BONN

TO SECSTATE WASHDC NIACT IMMEDIATE 0197

AMEMBASSY VIENNA NIACT IMMEDIATE

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EXDIS

FOR THE SECRETARY

THE ONLY LEGAL LIMITATION ON THE MAINTENANCE AND DEVELOPMENT OF TIES BETWEEN THE FRG AND THE WESTERN SECTORS OF BERLIN IS THE PROVISIO IN THE QA THAT THOSE SECTORS CONTINUE NOT TO BE A CONSTITUENT PART OF THE FRG AND NOT TO BE GOVERNED BY IT. THE FRG AND THE THREE ALLIES CONTINUE CLOSE CONSULTATION ON ACTIONS IN THIS SPHERE. WITH REGARD TO THE ESTABLISHMENT OF FEDERAL AGENCIES IN BERLIN, THE FRG WILL REFRAIN FROM DOING SO, EVEN THOUGH IT MIGHT BE LEGALLY POSSIBLE, IF IN A GIVEN CASE IT WOULD NOT BE POLITICALLY ADVISABLE. AS FOR REPRESENTATION OF BERLIN INTERESTS ABROAD, INCLUDING THE EXTENSION OF FRG TREATIES TO BERLIN, THE STATUS AND SECURITY CRITERION OF ANNEX IV OF THE QA IS GOVERNING, AND IT IS FOR THE THREE WESTERN ALLIES TO DEFINE STATUS AND SECURITY IN ANY GIVEN CASE. THE VIEWS OF THE WEST ON THE STATUS OF GREATER BERLIN REMAIN WELL KNOWN. THE SOVIETS, HAVING FAILED IN THE NEGOTIATIONS LEADING UP THE QA TO EXTRACT AN AGREEMENT THAT THE SUBJECT MATTER WAS LIMITED TO WEST BERLIN, MAY NOT REINTERPRET THE QA UNILATERALLY TO CLAIM THAT BY "RELEVANT AREA" THE PARTIES MEANT ONLY WEST BERLIN.

AS FOR ACCEDING TO SOMETHING LESS THAN A FORMAL
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SOVIET DEMAND FOR QUADRIPARTITE CONSULTATIONS (WHICH WE OBVIOUSLY COULD NOT REFUSE UNDER THE QA), THERE MAY BE DIFFERING VIEWS ON THE WESTERN SIDE. THE FRENCH, AND CONCEIVABLY THE GERMANS, MAY SEE SOME ADVANTAGES TO ENTERING INTO INFORMAL CONSULTATIONS AT SOME FUTURE POINT. THE US POSITION IS THAT WE WOULD STAND TO LOSE MORE THAN WE WOULD GAIN FROM SUCH TALKS. WE WOULD BE UNLIKELY TO SUCCEED--WHETHER IN INFORMAL OR FORMAL CONSULTATIONS--IN OBTAINING ADVANTAGEOUS INTERPRETATIONS OF TERMS WHICH ARE LEFT IMPRECISE IN THE QA, WHILE THE CONSULTATION PROCESS ITSELF WOULD TEND TO CONFIRM THE SOVIET CLAIM TO A VOICE IN DECISIONS AFFECTING WEST BERLIN.

SUGGESTED TALKING POINTS

A) WITH GROMYKO

--ON MARCH 27 AND APRIL 12, 1974, YOU TOLD GROMYKO OF THE WESTERN POSITION, PARTICULARLY YOUR AGREEMENT WITH THEN FOREIGN MINISTER SCHEEL, CONCERNING THE ESTABLISHMENT OF NEW FEDERAL AGENCIES IN BERLIN. THE WESTERN SIDE HAS FULLY OBSERVED THIS POSITION, WHICH REMAINS IN FORCE.

-- IT IS THEREFORE A MATTER OF CONSIDERABLE DISAPPOINTMENT TO US THAT THE SOVIET SIDE CONTINUES TO PROTEST AS ILLEGAL THE NORMAL MANIFESTATIONS OF THE ESSENTIAL TIES BETWEEN THE FEDERAL REPUBLIC AND BERLIN AND TO PROFESS TO SEE IN NORMAL FRG ACTIONS VIS-A-VIS BERLIN VIOLATIONS OF THE QA (BY IMPLICATION, A CLAIM THAT THE US ITSELF IS VIOLATING THE QA IN PERMITTING THE OBJECTIONABLE FRG ACTIONS). THE US WILL CONTINUE TO SUPPORT THE MAINTENANCE AND DEVELOPMENT OF PROPER TIES.

-- IT IS PARTICULARLY REGRETTABLE THAT THE SOVIETS CONTINUE TO INJECT BERLIN DISAGREEMENTS INTO UNITED NATIONS PROCEEDINGS BY CIRCULARIZING DELEGATIONS ON A WIDE VARIETY OF HIGHLY TECHNICAL BERLIN ISSUES, CONCERNING WHICH THE VAST MAJORITY OF MEMBERS HAVE LITTLE INTEREST AND LESS COMPETENCE.

-- THE TREATY OF ROME WAS EXTENDED TO BERLIN LONG BEFORE THE QA AND THERE COULD BE NO DOUBT AT THE TIME OF THE QA ABOUT THE POSITION OF WEST BERLIN VIS-A-VIS

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THE EC. THE WESTERN ALLIES AGREED TO THE LOCATION OF THE VOCATIONAL TRAINING CENTER--A NON-POLITICAL BODY--IN WEST BERLIN. THIS IN NO WAY VIOLATES THE QA. THE ALLIES WILL CONTINUE IN THE FUTURE TO SEE THAT ONLY THOSE EC ACTIONS AND REGULATIONS WHICH ARE FULLY COMPATIBLE WITH THE STATUS OF BERLIN WILL BE APPLIED IN BERLIN. (NOTE: THIS POINT IS ALSO COVERED IN THE DISCUSSION OF SPECIFIC ISSUES IN PART II, BELOW.)

-- SOVIET COMPLAINTS ABOUT THE EXTENSION OF FEDERAL TREATIES TO BERLIN HAVE NO VALIDITY. THE ALLIES EXAMINE EVERY TREATY TO MAKE CERTAIN THAT ITS EXTENSION TO BERLIN WOULD NOT AFFECT MATTERS OF SECURITY OF STATUS. RECENT SOVIET CLAIMS THAT THERE MUST, IN ADDITION, BE A "PRACTICAL NECESSITY FOR EXTENDING A GIVEN TREATY TO BERLIN ARE WITHOUT MERIT AND CONSTITUTE A VIOLATION OF THE SOVIET UNDERTAKING, IN ANNEX IV.B OF THE QA, TO RAISE NO OBJECTIONS PROVIDING MATTERS OF SECURITY AND

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FM AMEMBASSY BONN

TO SECSTATE WASHDC NIACT IMMEDIATE 0198

AMEMBASSY VIENNA NIACT IMMEDIATE

INFO USMISSION USBERLIN IMMEDIATE

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EXDIS

FOR THE SECRETARY

STATUS ARE NOT AFFECTED.

-- (IF GROMYKO SHOULD SUGGEST QUADRIpartite

CONSULTATIONS); THE US CONTINUES SCRUPULOUSLY TO ADHERE TO THE PROVISIONS OF THE QA. THE CONSULTATIONS PROCEDURE SHOULD BE RESERVED FOR THE KIND OF SITUATION CONTEMPLATED IN THE FINAL QUADRIPARTITE PROTOCOL. MEANWHILE, ESTABLISHED PROCEDURES FOR HANDLING BERLIN MATTERS (PRINCIPALLY, CONTACT AMONG ALLIED MISSIONS IN BERLIN) WOULD APPEAR BEST FOR HANDLING SUCH DISAGREEMENTS AS MAY FROM TIME TO TIME ARISE.

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS

-- (WITH FRG OFFICIALS ONLY) WE WELCOME THE CONTINUED ADHERENCE OF THE FRG TO THE AGREEMENT REACHED LAST YEAR WITH THEN FOREIGN MINISTER SCHEEL CONCERNING THE ESTABLISHMENT OF NEW FEDERAL AGENCIES IN WEST BERLIN. THE CONSULTATIVE PROCEDURES HAVE BEEN WORKING WELL. THE CONTINUED ABILITY OF THE THREE ALLIES TO CONSIDER PLANNED ACTIONS IN A TIMELY MANNER FROM THE STANDPOINT OF POLITICAL ADVISABILITY REMAINS KEY TO OUR ABILITY TO DEFEND THE STRONG TIES BETWEEN THE FRG AND BERLIN WHICH WE RECOGNIZE ARE VITAL TO THE FUTURE OF THE
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CITY.

-- EC ACTIVITIES AFFECTING BERLIN SEEM LIKELY TO POSE ONE OF THE THORNIEST ISSUES FOR THE FUTURE. WE REMAIN IN AGREEMENT THAT BERLINERS SHOULD CONTINUE TO ENJOY THE FULL ADVANTAGES FLOWING FROM EXTENSION OF EC TREATIES TO BERLIN. AT THE SAME TIME, WE WILL WANT TO WORK CLOSELY WITH THE FRG AND WITH BERLIN AUTHORITIES TO MAKE CERTAIN THAT WE CAN ANTICIPATE TROUBLESOME ISSUES AND WORK OUT ACCEPTABLE SOLUTIONS.

--WE APPRECIATE GERMAN CONCERNS ON THE "LEGAL UNITY" OF FRG AND BERLIN AND WILL ACCOMMODATE THEM WHENEVER WE CAN. WE WILL ALSO REMAIN FIRM IN REJECTING SPURIOUS SOVIET COMPLAINTS--E.G., THE "RELEVANCE TEST" ON EXTENSION OF FRG TREATIES TO BERLIN. (IF THE GERMANS RAISE THEIR OBJECTION TO OUR REFUSAL TO ALLOW THE BIOLOGICAL WEAPONS CONVENTION TO BE EXTENDED TO BERLIN: AT THE SAME TIME, WE MUST OF COURSE CONTINUE TO BE THE FINAL JUDGE OF WHETHER A GIVEN TREATY AFFECTS ALLIED RESPONSIBILITIES FOR MATTERS OF SECURITY AND STATUS AND IS THEREFORE IMAPPROPRIATE FOR EXTENSION TO BERLIN.)

--FROM TIME TO TIME THE SOVIETS SUGGEST THAT QUADRIPARTITE CONSULTATIONS WOULD BE DESIRABLE. UNDER PRESENT OR FORESEEABLE CIRCUMSTANCES, WE BELIEVE THE

WEST STANDS TO LOSE MUCH MORE THAN IT MIGHT GAIN FROM SUCH CONSULTATIONS, ONE EFFECT OF WHICH WOULD BE TO STRENGTHEN THE SOVIET CLAIM THAT IT HAS A RIGHT TO BE CONSULTED ON ALL DECISIONS AFFECTING WEST BERLIN.

C) WITH THE PRESS

-- THERE IS A CLOSE RELATIONSHIP BETWEEN THE SITUATION IN BERLIN AND DETENTE. IT MAY BE RECALLED THAT CSCE BEGAN ONLY AFTER CONCLUSION OF THE QUADRIPARTITE AGREEMENT. THE AIM OF THE QA WAS TO DECREASE TENSIONS OVER BERLIN AND TO BRING PRACTICAL IMPROVEMENT TO THE SITUATION FOR BERLINERS; IT HAS DONE THESE THINGS. AN UNEXPECTED SHARPENING OF TENSIONS
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SURROUNDING BERLIN COULD NOT FAIL TO AFFECT PROGRESS TOWARD BETTER EAST-WEST UNDERSTANDING.

-- THE US FOR ITS PART WILL CONTINUE A POLICY OF STRICT ADHERENCE TO THE PROVISIONS OF THE QA, WHILE CONTINUING TO WORK FOR ITS FULL IMPLEMENTATION. THE THREE WESTERN ALLIES AND THE FRG MAINTAIN CLOSE AND CONTINUING CONSULTATIONS FOR THE PURPOSE OF ASSURING THAT THERE ARE NO VIOLATIONS OF THE QA FROM THE WESTERN SIDE. IT IS THUS A SOURCE OF CONSIDERABLE REGRET THAT UNFOUNDED PROTESTS ON BERLIN MATTERS CONTINUE TO BE VOICED BY THE EASTERN SIDE AND THAT, INCREASINGLY, THE SOVIET UNION AND ITS ALLIES ATTEMPT TO INJECT DISAGREEMENTS OVER BERLIN INTO THE PROCEEDINGS OF THE UNITED NATIONS AND OTHER INTERNATIONAL FORUMS.

--(IF ASKED). THE MAY 12 NOTE OF THE PERMANENT REPRESENTATIVE OF THE SOVIET UNION TO THE UNITED NATIONS GAVE A UNILATERAL INTERPRETATION OF THE STATUS OF

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ACTION SS-25

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FM AMEMBASSY BONN
TO SECSTATE WASHDC NIACT IMMEDIATE 0199
AMEMBASSY VIENNA NIACT IMMEDIATE
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S E C R E T SECTION 04 OF 09 BONN 08055

EXDIS

FOR THE SECRETARY

GREATER BERLIN AND OF THE RIGHTS OF THE THREE WESTERN
POWERS IN BERLIN. THE POSITION OF THE US ON THESE
QUESTIONS IS WELL KNOWN.

WE DO NOT RECOMMEND GOING BEYOND THAT ON THIS
OCCASION. SHOULD IT BECOME NECESSARY TO EXPAND ON THE
US POSITION, IT MIGHT BE APPROPRIATE TO DRAW FROM THE
LETTER CIRCULATED IN THE UN BY THE PERMREPS OF THE US,
UK, AND FRANCE ON APRIL 14, 1975:

"1. THE QUADRIpartite STATUS OF GREATER BERLIN
STEMS FROM THE ORIGINAL RIGHTS AND RESPONSIBILITIES
OF THE FOUR POWERS. QUADRIpartite WARTIME AND
POST-WAR AGREEMENTS AND DECISIONS BASED ON THESE
RIGHTS AND RESPONSIBILITIES STIPULATED THAT
GREATER BERLIN WAS TO BE A SPECIAL AREA
UNDER THE JOINT AUTHORITY OF THE FOUR POWERS
ENTIRELY DISTINCT FROM THE SOVIET ZONE OF
OCCUPATION IN GERMANY.

"2. ANY CHANGE IN THE STATUS OF GREATER
BERLIN AS REFLECTED IN THESE AGREEMENTS AND
DECISIONS WOULD REQUIRE THE AGREEMENT OF ALL
FOUR POWERS. NO SUCH AGREEMENT ALTERING THE
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STATUS OF BERLIN OR PROVIDING FOR A SPECIAL
STATUS FOR ANY OF ITS SECTORS HAS EVER BEEN
CONCLUDED. ...

"3. THE QUADRIpartite AGREEMENT, SIGNED
IN BERLIN ON 3 SEPTEMBER 1971, WAS EXPLICITLY
CONCLUDED ON THE BASIS THAT THE QUADRIpartite

RIGHTS AND RESPONSIBILITIES AND THE CORRESPONDING WARTIME AND POST-WAR AGREEMENTS AND DECISIONS OF THE FOUR POWERS ARE NOT AFFECTED. ..."

3. II. SPECIFIC ISSUES

A. EAST-WEST ISSUES WITH RESPECT TO BERLIN

1. SOVIET PROTESTS OF APPLICATION IN BERLIN OF AMENDMENT TO 1953 LAW ON INNER-GERMAN LEGAL AND ADMINISTRATIVE ASSISTANCE (LEX BRUECKMANN).

EASTERN/WESTERN POSITIONS

ON OCTOBER 25, 1974, THE MFA IN MOSCOW PROTESTED TO EACH OF THE THREE ALLIED EMBASSIES THE APPLICATION IN BERLIN OF THE AMENDMENT REFERRED TO ABOVE. THE SOVIET ORAL STATEMENT CHARGED THAT THE FRG ACTION PROVIDING FOR EXTENSION TO "LAND BERLIN" WAS ILLEGAL IN THAT THE BUNDESGERICHTSCHOF (BGH) COULD THEN "RESCIND DECISIONS OF WEST BERLIN COURTS WHEREAS THE QA PROVIDES THAT FRG STATE BODIES (INCLUDING ALL FEDERAL COURTS) MAY NOT CARRY OUT CONSTITUTIONAL OR OFFICIAL ACTS WITH RESPECT TO BERLIN. THE ALLIES RESPONDED ON NOVEMBER 27 AS FOLLOWS: A) THE BERLIN LAW ESTABLISHING THE COMPETENCE OF THE BGH IN BERLIN WENT INTO EFFECT IN 1951 WITH APPROVAL OF THREE POWERS; B) THE BGH ACTS WITH RESPECT TO BERLIN CASES ONLY UNDER LAW IN FORCE IN BERLIN; C) DECISIONS OF BGH HAVE BINDING EFFECT ONLY ON PARTICULAR CASE INVOLVED; D) THE BGH FUNCTIONS SUBJECT TO ALLIED AUTHORITY; E) PRESENT AMENDMENT DOES NOT CHANGE THIS SITUATION, UNDER WHICH BGH DOES NOT PERFORM ACTS IN EXERCISE OF DIRECT STATE AUTHORITY OVER WSB.

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SOVIETS RETURNED TO MATTER WITH MFA ORAL STATEMENTS TO ALLIED EMBASSIES, MOSCOW, ON FEBRUARY 27, 1975. SOVIETS AGAIN ARGUED THAT BGH HAD NO RIGHT TO INTERFERE WITH WSB COURT DECISIONS AND THAT SUCH INTERFERENCE WAS OFFICIAL ACT IN VIOLATION OF QA. STATEMENT ADDED THAT EVEN IF SUCH WAS PRACTICE PRIOR TO QA, IT NOT JUSTIFIED NOW BECAUSE OF SPECIFIC OBLIGATIONS UNDERTAKEN IN QA. AFTER CONSIDERABLE DISCUSSION AMONG THE THREE ALLIES AND THE FRG, AGREEMENT IS NOW BEING REACHED THAT THE ALLIED NOVEMBER 27 STATEMENT CONTAINS THE FULL WESTERN POSITION AND THAT SHORT REFERENCE TO IT IN ORAL CONTACT WITH MFA WOULD BE A SUFFICIENT RESPONSE. FINAL

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TO SECSTATE WASHDC NIACT IMMEDIATE 0200

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INFO USMISSION USBERLIN IMMEDIATE

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EXDIS

FOR THE SECRETARY

AGREEMENT ON THIS LINE SHOULD BE REACHED SHORTLY.

SUGGESTED TALKING POINTS

A) WITH GROMYKO. ESSENTIAL QUESTION IS WHETHER BGH PERFORMS "ACTS IN EXERCISE OF DIRECT STATE AUTHORITY OVER THE WSB." (LETTER OF THE THREE AMBASSADORS TO THE FEDERAL CHANCELLOR, CONCERNING INTERPRETATION OF ANNEX II OF QA). BECAUSE BGH COMPETENCE RE WSB IS ESTABLISHED BY BERLIN LAW (IN 1951) AND THE BGH MAY EXERCISE THE COMPETENCE IN INDIVIDUAL CASES ONLY UNDER BERLIN LAW, THERE IS NO "DIRECT" EXERCISE OF STATE AUTHORITY.

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS. IT IS DOUBTFUL IF THIS WILL COME UP; THERE IS NOW NO BASIC DIFFERENCE OF VIEW.

C) WITH PRESS. THIS MATTER CONTINUES TO BE ONE OF CONSULTATION AMONG THE THREE POWERS AND THE FRG. IT WOULD BE INAPPROPRIATE TO GO INTO THE CONTENTS OF OUR CONSULTATIONS.

2. SOVIET PROTESTS RE FRG ACTIONS IN LORENZ KIDNAPPING CASE.

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EASTERN/WESTERN POSITIONS

ON APRIL 4, SOVIET REPRESENTATIVES PROTESTED IN ALLIED CAPITALS (IN WASHINGTON, VORONTSOV CALLED ON ASSISTANT SECRETARY HARTMAN) REGARDING "A NUMBER OF UNLAWFUL ACTS" COMMITTED IN WSB BY FRG AUTHORITIES IN CONNECTION WITH THE KIDNAPPING. THE SOVIET ORAL DEMARCHE NOTED, INTER ALIA, FRG DECISION-MAKING IN THE CASE, VISITS TO BERLIN BY FEDERAL OFFICIALS, THE REINFORCEMENT OF BERLIN POLICE FROM LAENDER FORCES, AND THE "DIRECTION" OF THE INVESTIGATION BY FRG OFFICIALS-- INCLUDING FEDERAL PROSECUTOR GENERAL BUBACK. THE STATEMENT CONCLUDED THAT THESE ACTS AMOUNT TO "IMPLEMENTING DIRECT STATE AUTHORITY OVER THE WSB" WHICH IS CONTRARY TO THE QA. ALLIED-FRG AGREEMENT ON A REPLY WAS REACHED IN AD REF BASIS AND RECOMMENDED TO CAPITALS ON MAY 14. THIS RECOMMENDED REPLY STATES THAT THE SOVIETS ARE CONFUSING NORMAL COOPERATION AND COORDINATION WITH ACTS IN EXERCISE OF DIRECT STATE AUTHORITY, WHICH DID NOT OCCUR. THE KIDNAPPERS' DEMANDS --AFFECTING THE FRG AS WELL AS WSB-- MADE CLOSE COOPERATION AND COORDINATION ESSENTIAL, BUT ALLIES TOOK GREAT CARE TO ENSURE IN DIFFICULT SITUATION THAT QA PROVISIONS WERE OBSERVED. E.G., POLICE REINFORCEMENTS WERE APPROVED BY ALLIES IN ADVANCE AND WERE UNDER WSB CONTROL WHILE IN BERLIN. REFERENCE ALSO MADE TO SENAT STATEMENT REGARDING TRUE NATURE OF BUBACH'S ROLE.

SUGGESTED TALKING POINTS

A) WITH GROMYKO. USE POINTS NOTED ABOVE FROM RECOMMENDED REPLY.

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS. SOVIET PROTEST AGAIN SHOWS NEED FOR CONTINUING THE CLOSE FRG-ALLIED CONSULTATIONS REGARDING FRG ACTS ON BERLIN. BUBACK'S STATEMENT THAT HE WAS IN BERLIN TO ASSUME DIRECTION OF THE INVESTIGATION WAS UNFORTUNATE.

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C) WITH PRESS. ACTIONS TAKEN IN CASE FOLLOWED
CAREFUL CONSULTATION AND COORDINATION BETWEEN THE THREE
POWERS AND THE FRG. IN THIS VERY DIFFICULT SITUATION
WE WERE SATISFIED THAT THE ACTIONS TAKEN WERE
APPROPRIATE.

3. DEMOGRAPHIC YEARBOOK.

EASTERN/WESTERN POSITIONS

THE SOVIET LETTER OF MAY 12, 1975 TO THE UN SEC
GEN IS THE MOST RECENT STATEMENT IN AN EXCHANGE WHICH
BEGAN WITH MAY 1, 1974 ALLIED LETTER TO SEC GEN
SETTING OUT ALLIED VIEW OF UN DEMOGRAPHIC YEARBOOK
HANDLING OF BERLIN ENTRIES. BASIC POINT AT ISSUE IS
STATUS OF BERLIN; WESTERN VIEW THAT GREATER BERLIN HAS
QUADRIPARTITE STATUS ON BASIS OF ORIGINAL RIGHTS AND

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TO SECSTATE WASHDC NIACT IMMEDIATE 0201

AMEMBASSY VIENNA NIACT IMMEDIATE

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S E C R E T SECTION 06 OF 09 BONN 08055

EXDIS

FOR THE SECRETARY

QUADRIPARTITE AGREEMENTS, DECISIONS, PRACTICES DATING
FROM 1944 LONDON AGREEMENTS, VERSUS EASTERN POSITION
THAT EAST BERLIN IS CAPITAL OF AND INTEGRAL PART OF GDR,
THAT THREE ALLIES HAVE NO ORIGINAL, NON-TREATY RIGHTS

RE BERLIN, AND MAY CLAIM NO ADVANTAGES UNDER AGREEMENTS WHICH THEY THEMSELVES HAVE VIOLATED. THE MAY 12 SOVIET LETTER IS LARGELY A REHASH OF PREVIOUS STATEMENTS, BUT RAISED A NOTCH OR TWO BY ADDITION OF ADJECTIVES FOR EMPHASIS AND A REVIVAL OF THE ARGUMENT FROM THE 1950'S REGARDING NO "ORIGINAL" RIGHTS RE BERLIN.

SUGGESTED TALKING POINTS

A) WITH GROMYKO. EASTERN AND WESTERN LEGAL POSITIONS ARE UNDOUBTEDLY DIFFERENT; THIS ALSO INDICATED IN OPENING SECTION OF QA. HOWEVER, STRESSING DIFFERENCES PUBLICLY IN FORUM AS UN IS NOT A CONTRIBUTION TO THE MUTUAL AIM OF ELIMINATION OF TENSIONS AND PREVENTION OF COMPLICATIONS REGARDING BERLIN. IT IS NOT IN INTEREST OF ANYONE TO FOCUS PUBLIC QUESTIONS ON USEFULNESS AND CONTINUED WORKABILITY OF QA.

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS. THE ALLIES AND FRG HAVE LITTLE TO GAIN--AND PERHAPS
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SOMETHING TO LOSE--BY CONTINUING THE PUBLIC DEBATE. A PROPAGANDA WAR OVER BERLIN IN THE UN CONTEXT WOULD BE A LOSING PROPOSITION FOR THE WEST. THE BEST TACTIC NOW IS PERHAPS TO COOL THINGS DOWN BY LIMITING ALLIED RESPONSE TO A LOW-KEY STATEMENT, REFERRING TO EARLIER ALLIED LETTER, WHICH WOULD PROTECT THE ALLIED POSITION.

C) WITH PRESS. THE U.S. POSITION, WHICH IS CONTRARY TO THE SOVIET POSITION, IS WELL-KNOWN. THREE ALLIES AND FRG ARE NOW STUDYING MATTER IN CLOSE CONSULTATIONS. COMMENT: AS NOTED IN BONN 8026, WE BELIEVE THAT DETAILED PUBLIC DISCUSSION OF SOVIET LETTER BY THE SECRETARY SHOULD BE AVOIDED SINCE IT WOULD FOCUS UNDUE AND UNDESIRABLE ATTENTION ON IT. WE RECOMMEND NON-SUBSTANTIVE TREATMENT, AS SUGGESTED ABOVE.

4. EC VOCATIONAL CENTER (EC VC).
EASTERN/WESTERN POSITIONS

THE FRG FIRST RAISED WITH THE ALLIES THE POSSIBILITY OF LOCATING THE EC VC IN BERLIN IN EARLY NOVEMBER 1974. THERE WAS CLOSE ALLIED-FRG CONSULTATIONS ON THE MATTER AND, AFTER ALLIED APPROVAL WAS GIVEN AND THE EC DECISION TAKEN, THE FRG HANDLED IT WITH RESPECT TO THE PRESS AND PUBLIC IN A LOW-KEY AND FACTUAL WAY. SOME OFFICIALS OF THE EC HAVE BEEN WORKING IN BERLIN ON ADMINISTRATIVE ARRANGEMENTS FOR SOME TIME, BUT ACTUAL WORKING OF THE EC VC IS STILL MONTHS AWAY. IN THE FORMAL SOVIET

PROTEST ON SUBJECT TO DATE, SOVIET EAST BERLIN EMBASSY COUNSELOR DELIVERED DEMARCHE TO U.S. (CHAIRMAN) POLAD IN BERLIN ON FEBRUARY 6. IN THIS PROTEST--AS WELL AS IN SUBSEQUENT INFORMAL APPROACHES--THE SOVIETS ARGUE THAT BERLIN CANNOT BE PART OF THE EC SINCE THE WSB WOULD BE INCLUDED BY VIRTUE OF FRG MEMBERSHIP BUT BERLIN IS NOT A CONSTITUTIVE PART OF THE FRG; BY THE SAME TOKEN, THE EC MAY NOT TAKE DECISIONS CONCERNING BERLIN. THE SOVIETS ALSO ARGUE THAT THE EC VC DECISION WAS A UNILATERAL CHANGE IN THE EXISTING SITUATION, AND SEEM ESSENTIALLY TO BE PUTTING DOWN A MARKER WITH THE ALLIES AND FRG WITH AN EYE ON THE POLITICAL INTEGRATION AIM OF THE EC. ALLIED REPLY WAS MADE TO THE SOVIET EMBASSY
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EAST BERLIN ON FEBRUARY 28. THE "UNILATERAL CHANGE" ARGUMENT WAS REJECTED ON THE GROUNDS THAT THE TREATY OF ROME HAD BEEN EXTENDED TO BERLIN IN 1957, FOLLOWED BY EXTENSION OF THE OTHER EC CONSTITUTIVE TREATIES, AND BERLIN WAS THUS WITHIN AREA OF APPLICATION OF SUCH EC TREATIES LONG BEFORE QA. THE EC VC WAS COMPATIBLE WITH QA SINCE APPLICATION IN BERLIN OF THESE TREATIES WAS ALWAYS SUBJECT TO ALLIED RIGHTS AND RESPONSIBILITIES REGARDING, INTER ALIA, MATTERS OF SECURITY AND STATUS.

THE OVERALL ISSUE OF BERLIN'S RELATIONSHIP TO THE EC IS A VERY COMPLICATED MATTER WHICH THE THREE ALLIES AND THE FRG NOW HAVE UNDER STUDY. UPCOMING MATTERS OVER THE NEXT FEW YEARS SUCH AS AN EUROPEAN PASSPORT UNION AND ELECTIONS TO THE EUROPEAN PARLIAMENT WILL NEED EXTREMELY CAREFUL STUDY AND HANDLING. WE HAVE NOT YET PROGRESSED TO THE POINT WHERE WE HAVE FIRM PROPOSALS REGARDING THE BERLIN-EC RELATIONSHIP.

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EXDIS

FOR THE SECRETARY

SUGGESTED TALKING POINTS

A) WITH GROMYKO. THE EC VC IS NOT A QA VIOLATION.
APPLICATION OF THE CONSTITUTIVE TREATIES OF THE EC IN
BERLIN--BEGINNING IN 1957--HAS BEEN AND WILL BE SUBJECT
TO ALLIED RIGHTS AND RESPONSIBILITIES

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS. WE
UNDERSTAND THE FRG IS IN MIDST OF STUDY OF THE BERLIN-EC
RELATIONSHIP. THE MATTER IS EXTREMELY COMPLICATED AND
IT CLEAR THAT THE SOVIETS ARE WATCHING IT MOST CLOSELY.
IT IS IMPORTANT THAT ALLIED-FRG CONSULTATIONS CONTINUE
ON THIS SUBJECT SO AS TO AVOID SERIOUS PROBLEMS.

C) WITH PRESS. THE ALLIES APPROVED IN ADVANCE
BERLIN AS SITE OF EC VC AND THERE IS NO INCOMPATIBILITY
BETWEEN THE ESTABLISHMENT OF THE EC VC AND ALLIED
RESPONSIBILITIES UNDER QA.

B. FRG-ALLIED ISSUES AFFECTING THE "TIES"

1. FEDERAL VOCATIONAL EDUCATION RESEARCH INSTITUTE
DISCUSSION. A PRELIMINARY FRG DRAFT BILL WOULD
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HAVE REORGANIZED THE PRESENT FEDERAL VOCATIONAL EDUCA-
TION RESEARCH INSTITUTE (VERI) IN BERLIN AND SUB-
ORDINATED IT TO A NEW FRG VOCATIONAL EDUCATION INSTITUTE
WHICH WILL BE LOCATED IN BONN. INITIAL REACTIONS OF
THE ALLIES IN THE BONN GROUP QUESTIONING THE USEFULNESS
OF THE CHANGE, WHICH WOULD BRING NO BENEFIT TO BERLIN
BUT WHICH MIGHT CAUSE UNNECESSARY PROBLEMS WITH
THE USSR, HAVE APPARENTLY HAD THE CORRECT RESULT SINCE
THE FRG BILL APPROVED BY THE CABINET APPARENTLY DOES

NOT TOUCH ON THE VERI.

SUGGESTED TALKING POINTS

A) WITH GROMYKO. N/A.

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS. IF MATTER ARISES, EMPHASIS MIGHT BE PLACED ON ABSENCE OF ANY PRACTICAL GAIN FOR BERLIN AND BERLINERS IN EARLIER DRAFT BILL.

C) WITH PRESS. IN THE NORMAL CONSULTATIONS WITH FRG ON BERLIN WE WERE ASKED FOR, AND EXPRESSED VIEWS ON THE MATTER.

2. KURATORIUM UNTEILBARES DEUTSCHLAND (KUD)--PAUL LOEBE ACADEMY.

DISCUSSION. THE "LANDESKURATORIUM BERLIN" INTENDS (HOW FIRM THE INTENT IS IS NOT CLEAR) TO ESTABLISH AN ACADEMY FOR POLITICAL EDUCATION THERE, THE PAUL LOEBE ACADEMY (PLA). THE FRG IS TAKING THE POSITION THAT THE KUD IS, AND THE PLA WOULD BE, COMPLETELY PRIVATE, AND THERE WOULD THUS BE NO QUESTION OF "FRG FEDERAL PRESENCE." THE KUD SINCE 1972 HAS RECEIVED ALMOST DM 4 MILLION IN PROJECT SUPPORT FROM THE FRG, BUT WE ARE TOLD THAT NO REQUEST HAS BEEN MADE FOR FRG SUBSIDY FOR THE PLA. THIS MATTER RECEIVED LIMITED PLAY SOME MONTHS AGO AND WAS RAISED BY SOVIET REPRESENTATIVES INFORMALLY IN BERLIN, BUT HAS BEEN QUIESCENT FOR SOME TIME.

SUGGESTED TALKING POINTS

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A) WITH GROMYKO. THE KUD BERLIN SECTION IS, AND PLA WOULD BE, A PRIVATE INSTITUTION REGISTERED AND CONTROLLED IN ACCORDANCE WITH BERLIN LAW. WE OR OUR ALLIED PARTNERS IN BERLIN CAN HARDLY BE EXPECTED TO INTERFERE WITH PRIVATE INSTITUTIONS SO LONG AS THEY WORK WITHIN THE LAW.

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS. WE UNDERSTAND THAT NO FEDERAL SUBSIDY HAS BEEN REQUESTED FOR PLA. IF ONE WERE GRANTED, GIVEN THE KNOWN SOVIET DISTASTE FOR THE KUD, IT WOULD MAKE OUR DEFENSE OF THE PLA MORE DIFFICULT.

C) WITH PRESS. WE UNDERSTAND THAT, IF A DECISION IS REACHED TO ESTABLISH THE INSTITUTE IN BERLIN, IT WOULD OPERATE AS A PRIVATE INSTITUTION.

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FOR THE SECRETARY

3. DEUTSCHE ENTWICKLUNGS DIENST (DED).

DISCUSSION. GERMAN DEVELOPMENT SERVICE IS A PRIVATE ORGANIZATION SUPPORTED BY FRG WITH PROGRAMS SIMILAR TO PEACE CORPS. IT PRESENTLY HAS AN OFFICE IN WEST BERLIN. PLANS CALL FOR CONSTRUCTION IN WEST BERLIN THIS SUMMER OF A NEW HEADQUARTERS BUILDING WHICH WILL ALSO HOUSE VARIOUS BRANCHES OF THE SERVICE PRESENTLY SCATTERED AROUND THE FRG. APPROVED BY THE THREE ALLIES IN EARLY 1973.

SUGGESTED TALKING POINTS

A) WITH GROMYKO. THE DED IS A PRIVATE ORGANIZATION WHICH ALREADY HAS OFFICES IN BERLIN. THE CENTRALIZATION IN BERLIN WAS PLANNED YEARS AGO. A MAIN INTEREST IN BUILDING IN BERLIN IS TO INCREASE EFFICIENCY AND CREATE JOBS FOR BERLINERS. THERE IS NO QUESTION OF ANY VIOLATION OF THE QA SINCE STATE AUTHORITY IS NOT INVOLVED.

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS. WE

GAVE OUR AGREEMENT TO THE MOVE IN 1973, AND STAND BY IT. AT THE SAME TIME, WE HOPE START OF CONSTRUCTION AND
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ANNOUNCEMENT WILL BE WELL CONSIDERED TO AVOID IMPLICATION THAT MOVE IS A POLITICAL DEMONSTRATION.

C) WITH PRESS. CENTRALIZATION IN BERLIN OF THIS PRIVATE ORGANIZATION IS NORMAL AND APPROPRIATE AND WILL ALSO CONTRIBUTE TO THE DEVELOPMENT OF THE CITY.

4. PHARMACEUTICAL INSTITUTE.

DISCUSSION. THE FRG PLANS TO REORGANIZE EXISTING MEDICAL AND PHARMACY SECTIONS OF THE CENTRAL FEDERAL HEALTH OFFICE (FHO) IN BERLIN AND THE MAX VON PETTENKOFER INSTITUTE, ALSO PART OF THE FEDERAL HEALTH OFFICE IN BERLIN, INTO A SINGLE PHARMACEUTICAL INSTITUTE UNDER FHO ADMINISTRATION. ADDITIONAL BUILDINGS AND PERSONNEL WOULD BE REQUIRED. SUBSEQUENT TO AN FRG REQUEST LAST FALL, IT HAS BEEN APPROVED BY FRANCE AND UK; THE US HAS TAKEN NO POSITION. NO TIME FRAME HAS BEEN GIVEN BY THE FRG FOR THIS PROJECT AND THE FRG HAS NOT RAISED IT WITH US FOR MONTHS.

SUGGESTED TALKING POINTS

A) WITH GROMYKO. WE ARE STUDYING THE PROPOSED REORGANIZATION AND HAVE NOT YET COME TO A FIXED VIEW. THE MAIN PURPOSE OF THE PLAN SEEMS TO BE AN INCREASE IN EFFICIENCY AND A RATIONALIZATION OF LABOR. IT WOULD NOT VIOLATE THE QA, NOR WOULD IT BE A DEMONSTRATION OF ANY KIND.

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS. WE HAVE NO "LEGAL" PROBLEMS WITH THE PLAN. AT THE SAME TIME, IT IS QUESTIONABLE THAT WE SHOULD PUSH TOO HARD. WE SHOULD AWAIT IMPLEMENTATION OF THE EC VOCATIONAL CENTER DECISIONS BEFORE MOVING AHEAD ON THIS.

C) WITH PRESS. SOME IDEAS ABOUT A PHARMACEUTICAL INSTITUTE HAVE BEEN RAISED IN THE NORMAL CONSULTATIVE PROCESS, AND ARE NOW BEING DISCUSSED. IT WOULD BE INAPPROPRIATE TO TALK ABOUT THEM FURTHER.

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AMEMBASSY VIENNA NIACT IMMEDIATE

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5. KINEMATHEK.

DISCUSSION. FOLLOWING AN FRG PROPOSAL LAST FALL, FRANCE AND UK HAVE APPROVED THIS PROJECT WHILE THE US HAS YET TAKEN NO POSITION. THE FRG PLANS TO REORGANIZE AN EXISTING PRIVATE FILM FOUNDATION, DEUTSCHE KINEMATHEK, INTO A GERMAN FILM ARCHIVE WHICH WOULD WORK CLOSELY WITH THE FEDERAL GERMAN FILM ARCHIVE IN KOBLENZ. THE KINEMATHEK IS PRESENTLY SUBSIDIZED BY THE SENAT. UNDER THE REORGANIZATION PLAN IT WOULD REMAIN A PRIVATE INSTITUTION BUT WOULD BE SUBSIDIZED BY THE FRG AND THE LAENDER AS WELL. THE BOARD OF DIRECTORS WOULD INCLUDE A REPRESENTATIVE OF THE FRG MINISTRY OF INTERIOR AS WELL AS REPRESENTATIVES OF THE WEST GERMAN LAENDER. NO TIME FRAME HAS BEEN GIVEN BY THE FRG AND NO NEW LAWS ARE REQUIRED. THE FRG HAS NOT RAISED THIS WITH US IN MONTHS.

SUGGESTED TALKING POINTS

A) WITH GROMYKO. THIS SPECIFIC PROJECT HAS NOT BECOME PUBLIC AND WE RECOMMEND IT NOT BE DISCUSSED WITH GROMYKO.

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B) WITH WEST GERMANS AND WEST BERLIN OFFICIALS. WE HAVE NO PROBLEMS IN SUBSTANCE BUT BELIEVE THE EC VOCATIONAL CENTER DECISIONS SHOULD BE IMPLEMENTED, AS WELL AS THE DED PLANS, BEFORE MOVING AHEAD WITH NEW PROJECTS.

C) WITH PRESS. SOME IDEAS RE KINEMATHEK ARE THE SUBJECT OF FRG-ALLIED CONSULTATIONS, BUT IT WOULD BE INAPPROPRIATE TO DISCUSS IN DETAIL.

6. BIOLOGICAL WEAPONS CONVENTION (BWC).

DISCUSSION. IN CONSULTATIONS RANGING OVER THE LAST 18 MONTHS, THE FRG HAS BEEN URGING THE ALLIES TO AGREE TO EXTENSION TO BERLIN OF THE BWC. THE UK HAS AGREED, WHILE FRANCE AND THE US REMAIN FIRMLY OPPOSED. GROUNDS OF OPPOSITION ARE THAT BWC IS A DEFENSE-RELATED TREATY CONCERNED EXCLUSIVELY WITH SECURITY AND IS THEREFORE INAPPROPRIATE FOR EXTENSION TO BERLIN. THE PREVIOUS CASES OF AGREEING TO EXTEND THE NPT WITH SAFEGUARDS FEATURE--WHICH LAID THE BASIS FOR ANY FUTURE PEACEFUL NUCLEAR DEVELOPMENT IN CITY--AND SEABEDS WHICH DID NOT AFFECT CITY IN ANY WAY--CANNOT, IN US AND FRENCH VIEW, BE SEEN AS PRECEDENTS FOR THE BWC. THE US AND FRENCH REPRESENTATIVES IN THE BONN GROUP GAVE (WHAT WE HOPE ARE) THE FINAL NEGATIVE REPLIES TO THE FRG ON APRIL 29. (IN OUR CASE' THE FRG HAS TRIED OVER RECENT MONTHS BY MEANS OF TWO BILATERAL AIDES MEMOIRE TO TURN US AROUND.)

SUGGESTED TALKING POINTS.

A) WITH GROMYKO. IF GROMYKO RAISES THIS, RECOMMEND SECRETARY SAY THE US IS OPPOSED TO EXPANDING THE BWC TO BERLIN.

B) WITH WEST GERMAN AND WEST BERLIN OFFICIALS. WE HAVE STUDIED THE QUESTION MOST CAREFULLY OVER LAST 18 MONTHS AND HAVE DEFINITELY CONCLUDED THAT, SINCE DEFENSE IS THE HEART AND MAJOR PURPOSE OF THE CONVENTION, IT MAY NOT BE EXTENDED TO BERLIN. THE

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FRENCH ARE IN FULL AGREEMENT WITH THIS POSITION. SINCE BWC CONFERS NO NEW RIGHTS WITH RESPECT TO PEACEFUL RESEARCH AND APPLICATION, BERLIN WILL NOT BE DISADVANTAGED FRPM THIS POINT OF VIEW.

C) WITH PRESS. SINCE THE BWC IS A DEFENSE-RELATED CONVENTION DEALING PRIMARILY WITH THE MATTER OF WEAPONS PRODUCTION, OUR VIEW IS THAT IT MAY NOT BE EXTENDED TO BERLIN. THIS POSITION HAS BEEN COMMUNICATED TO THE FRG.

7. GENERAL COMMENTS ON FEDERAL PRESENCE.

BECAUSE OF THE FEA EXPERIENCE, BONN IS NOW AIMING TO ACCOMPLISH ITS PURPOSES REGARDING FEDERAL PRESENCE BY MORE DISCREET AND INDIRECT METHODS. REORGANIZATION AND/OR EXPANSION OF PUBLIC AND PRIVATE FACILITIES NOW IN BERLIN RATHER THAN SIMPLE ESTABLISHMENT OF NEW FEDERAL OFFICES THERE ARE NOW THE METHODS TO BE EMPLOYED, EXCEPT FOR THE EC VOCATIONAL CENTER WHICH IS IN SOME CASES, THE FRG PLANS TO ESTABLISH PRIVATE INSTITUTIONS UNDER BERLIN LAW AND HAVE THEM ATTACHED TO EXISTING ORGANIZATIONS OR INSTITUTIONS. THIS METHOD WOULD HAVE THE ADVANTAGE OF RESULTING IN ORGANIZATIONS WHICH WOULD NOT BE ARMS OF THE GOVERNMENT NOR WOULD THEIR EMPLOYEES BE ON THE PUBLIC PAYROLL. IN OTHER CASES THE FRG WOULD REORGANIZE EXISTING BERLIN PRIVATE LAW ORGANIZATIONS TO PROVIDE FOR FEDERAL PARTICIPATION IN DIRECTING THEM AND TO PROVIDE FOR DIRECT FRG SUBSIDIES. IN STILL OTHER CASES, BONN FORESEES THE REORGANIZATION OF FEDERAL OFFICES NOW IN BERLIN.

THE SCHMIDT GOVERNMENT IS INVOLVED IN A CAREFUL BALANCING ACT BETWEEN ITS OWN RECOGNITION OF THE PROBLEMS WITH US AND THE SOVIETS WHICH WOULD RESULT FROM ANOTHER POLITICAL DEMONSTRATION IN BERLIN AND ITS DOMESTIC POLITICAL NEEDS. OUR OWN ROLE SHOULD BE TO REINFORCE THE CHANCELLERY'S OWN SENSE OF CAUTION WITH REGARD TO ITS PROJECTS PLANNED FOR BERLIN, CALLING ATTENTION TO THE POSSIBILITY THAT THEIR ACCUMULATION OVER TOO SHORT A PERIOD COULD BE INTERPRETED AS A POLITICAL DEMONSTRATION AND COUNSELING (OR INSISTING ON) FORBERANCE.

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Message Attributes

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